



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

January 31, 2013

Chad Unland  
WSDNR  
713 Bowers Road  
Ellensburg, WA 98926

**RE: Water Right Change Application No. CS4-25639(A)@2 (BENT-11-05)**

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Benton County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

**Summary of Ecology's Final Order**

MAXIMUM CUB FT/ SECOND		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR		TYPE OF USE, PERIOD OF USE	
72.15				17,375.15		Irrigation of 4,392.1 acres from February 1 to November 15 each year.	
SOURCE						TRIBUTARY OF (IF SURFACE WATER)	
Columbia River (John Day Pool)							
¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
1) NE	NE	4	4	24 EWM	31	Benton	
2) NW	NW	18	5	26	31	Benton	

**FILE COPY**





AT A POINT LOCATED:  
PARCEL NO.

- 1) 100 feet west and 250 feet south of the northeast corner of Section 4, T. 4 N., R. 24 E.W.M.
- 2) 1,100 feet east and 200 feet south from the northwest corner of Section 18, T 5 N., R 26 E.W.M.  
Parcel No. 1-1856-000-0000-000

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD

W $\frac{1}{2}$  and the NE $\frac{1}{4}$  of Section 15; Section 16; Section 21; W $\frac{1}{2}$  and the SE $\frac{1}{4}$  of Section 26; E $\frac{1}{2}$  and SW $\frac{1}{4}$  of Section 28; W $\frac{1}{2}$  and the SE $\frac{1}{4}$  of Section 30; W $\frac{1}{2}$  and the SE $\frac{1}{4}$  of Section 32; W $\frac{1}{2}$  and the SE $\frac{1}{4}$  of Section 34; Section 36; all in T. 7 N., R. 25 E.W.M.

Section 36, T. 7 N., R. 24 E.W.M.

Section 16; Section 36; NE $\frac{1}{4}$  of Section 34; SW $\frac{1}{4}$  of Section 24, T. 6 N., R. 24 E.W.M.

All in Benton County, State of Washington.

PARCEL NO.	$\frac{1}{4}$	$\frac{1}{4}$	SECTION	TOWNSHIP N.	RANGE,
<b>DEVELOPMENT SCHEDULE</b>					
BEGIN PROJECT BY THIS DATE:			COMPLETE PROJECT BY THIS DATE:		WATER TO PUT TO FULL USE BY THIS DATE:
Immediately			January 1, 2019		January 1, 2021

Ecology has **MODIFIED** the decision of the Board as follows:

- 1) The Board's decision has been modified as noted in the table above; correct ROD/ROE tables and text as needed.
- 2) Provisions numbered 6 through 14 are replaced with the following standard language and the following provisions are added to the PROVISIONS section of the ROD:

**Measurements, Monitoring, Metering and Reporting**

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

Department of Ecology personnel, upon presentation of proper credentials, must have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.



**Department of Fish and Wildlife Requirement(s)**

The intake(s) must be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. <http://www.wdfw.wa.gov/reg/regions.htm>

**Easement and Right-of-Way**

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

**Proof of Appropriation**

The water right holder must file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the superseding permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

**Publicly Owned Land Permit**

This authorization to use public waters of the state is classified as a PUBLICLY OWNED LAND PERMIT in accordance with Chapter 90.66 RCW (Initiative Measure No. 59).

**YOUR RIGHT TO APPEAL**

You have a right to appeal this Decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Decision:

- File your appeal and a copy of this Decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.


You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.



## ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW, Suite 301 Tumwater WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>  
To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>

  
Mark Kemner, LHG, Section Manager  
Water Resources Program  
Central Region Office

MK:MD:ss  
130127

Enclosures: Your Right to Be Heard  
Construction Notice  
Water Measurement Requirements & Form 1  
Fish Screening Criteria

By Certified Mail: 7010 0290 0000 7131 0883

cc: Keith Stoffel, Department of Ecology, Eastern Region Office (email pdf)  
Dr. Darryll Olsen, Benton County Conservancy Board  
Philip Rigdon, Director Natural Resources Division Yakama Nation